

REMARKS

Applicant requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 16-21 are pending in the application, with Claim 16 being the only independent claim. Claim 22 is cancelled and Claims 16-21 are amended to more clearly recite features of the present invention. No new matter has been added.

The drawings were objected to as failing to comply with 37 CFR 1.84(p)(4) because various reference characters have been used to designate multiple different components. The drawings are amended herein so that each reference character is used to designate a single component in the drawings. Replacement sheets of the amended drawings are also enclosed. Applicant will submit shortly a substitute specification, amending the specification to correspond to these drawing changes.

Initially, Applicant notes with appreciation the Examiner's indication that Claims 17-21 would be allowable if rewritten in independent form and to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph. However, at this time the claims have not been rewritten in independent form, since Applicant submits that independent Claim 16 is allowable in its own right, for at least the reasons set forth below.

Claims 16-22 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite because, according to the Office Action, the term "process condition" in Claims 16 and 22 is unclear from the specification. Claim 22 has been cancelled and Claim 16, as amended, no longer uses the term "process condition." Accordingly, this rejection is obviated and Applicant submits that the claims are in compliance with all aspects of § 112.

Claims 16 and 22 were rejected under 35 U.S.C. § 102(e), as being anticipated by the U.S. Patent No. 5,844,658 (Kishida et al.). Applicants respectfully traverse this rejection.

As is recited in independent Claim 16, the present invention relates to an ophthalmic apparatus. The present invention presently recites, *inter alia*, signal processing means for processing and normalizing the image signal based on a condition determined in accordance with an image signal outputted from an image taking means, and position determination means for determining the position of the target area based on an output of the signal processing means. Applicant submits that these features are neither disclosed nor suggested by the cited art.

The Kishida et al. patent discloses an eye fundus tracking and blood flow meter for detecting a blink of an eye by using a CCD sensor, which can resume tracking and can resume measurement of blood flow after the blink. Applicant submits, however, that the Kishida et al. patent, whether taken alone or in combination, fails to disclose or suggest at least the above noted features of Claim 16. Accordingly, Applicant submits that the claims are in condition for allowance and requests withdrawal of the rejection in view of the Kishida et al. patent.

Applicant submits that independent Claim 16 patentably defines the invention over the cited art. The dependent claims are also submitted to be patentable, for the same reasons as the base claims from which they depend, and further due to the additional features that they recite. Individual consideration of each dependent claim is respectfully requested.

Applicant submits that the application is in condition for allowance. Favorable consideration of the claims and passage to issue of the application at the Examiner's earliest convenience are requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Mark A. Williamson", written over a horizontal line.

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